

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Brian Shorr and Andrea Shorr,

Plaintiffs,

v.

Marriott Vacation Club International, Inc.,
Marriott Vacations Worldwide Corporation,
Marriott Vacation Club d/b/a Marriott's
Monarch at Sea Pines, Island Fitness
Equipment, LLC, John Doe I , and John Doe
II

Defendants.

CASE NO.: 9:22-cv-01388-DCN

**DEFENDANT MARRIOTT RESORTS
HOSPITALITY CORPORATION'S
NOTICE OF REMOVAL**

Defendant Marriott Resorts Hospitality Corporation, incorrectly named as Marriott Vacation Club International, Inc., Marriott Vacations Worldwide Corporation, Marriott Vacation Club d/b/a/ Marriott's Monarch at Sea Pines, John Doe I and John Doe II, in this civil action filed by Brian Shorr and Andrea Shorr, Civil Action No. 2022-CP-07-00548, in the Court of Common Pleas for Beaufort County, State of South Carolina (the "State Court Action"), by and through its undersigned attorneys, hereby files this Notice of Removal to the United States District Court for the District of South Carolina, Beaufort Division, and shows the Court:

1.

On March 30, 2022, Plaintiffs Brian Shorr and Andrea Shorr ("Plaintiffs") commenced this pending civil action in the Court of Common Pleas for Beaufort County, South Carolina, as Civil Action No. 2022-CP-07-00548.

2.

Defendant has not yet been served with a copy of the Summons and Complaint.

3.

In lieu of filing an Answer to Plaintiffs' Complaint in State Court, Defendant files the appropriate Notices of Removal and will file an Answer in this Court pursuant to the Federal Rules of Civil Procedure.

4.

In this action, Plaintiffs seek recovery for personal injury through common law negligence, gross negligence, premises liability, and loss of consortium claims for an incident which occurred on August 25, 2022 when Mr. Shorr was injured by what Plaintiffs have alleged to be defective fitness equipment.

5.

This action is one over which this United States District Court has diversity jurisdiction, pursuant to 28 U.S.C. § 1332(a).

6.

Per the Complaint, Plaintiffs are residents of Monmouth County, New Jersey. Defendant is a foreign limited liability company organized under the laws of the State of Delaware with its principal place of business located in Florida.

7.

Although Defendant denies liability to Plaintiffs, the Complaint contends that Plaintiffs have suffered economic and non-economic damages including personal injury, loss of enjoyment of life, loss of opportunity, mental anguish, distress, financial harm as well as loss of consortium. Plaintiffs contend that Mr. Shorr underwent multiple steroid injections to his back as well as a fusion cervical decompression surgery as a result of the subject incident. Plaintiffs have further alleged that Ms. Shorr will be permanently deprived of Mr. Shorr's consortium as a result of the subject incident. These allegations demonstrate, by a preponderance of the evidence, that the

amount in controversy exceeds \$75,000. This conclusion is further supported by Plaintiffs' accounting of medical expenses that Mr. Shorr has incurred to date which amounts to approximately \$54,904.65. This accounting accompanied Plaintiffs' initial demand to Defendant which was \$600,000.

8.

Therefore, the requirements to trigger the diversity jurisdiction of this Court have been met and removal is appropriate pursuant to 28 U.S.C. §§ 1332(a) and 1446(c)(2)(B).

9.

Contemporaneously with the filing of this Notice of Removal, Defendant will give notice to Plaintiff and will also file a copy of this Notice of Removal with the Court of Common Pleas of Beaufort County, South Carolina. A copy of the Notice to Plaintiff of Removal of State Court Action and the Notice to State Court of Filing of Notice of Removal are attached as Exhibits A-1 and A-2, respectively.

10.

Attached as Exhibit B to this Notice are true and accurate copies of all process, orders, or pleadings filed in the State Court Action.

11.

By filing this Notice of Removal, Defendant does not waive any defense that may be available to it.

WHEREFORE, Defendant removes this State Court Action to the United States District Court for the District of South Carolina, Beaufort Division.

[SIGNATURE PAGE TO FOLLOW]

This 29th day of April, 2022.

Respectfully submitted,

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